

Supporting Statement  
Recordkeeping and Reporting Requirements for  
Employer Information Report (EEO-1)

**A. Justification**

1. The legal basis for the Employer Information Report (EEO-1) form and recordkeeping requirements is Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), which requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports therefrom as required by the EEOC. Accordingly, the EEOC has issued regulations, **Title 29, Chapter XIV, Subpart F, § 1602.7**, which set forth the reporting requirements for various kinds of employers. Private industry employers with 100 or more employees and certain Federal Government contractors and first-tier subcontractors with 50 or more employees have been required to file annually since 1967. The individual reports are confidential.
2. The reports are used for investigation of charges filed against employers, EEOC studies of private sector work forces (in some instances within specific industries) and researchers requesting data for academic studies.

EEO-1 data are used by EEOC to investigate charges of employment discrimination against employers in private industry and to provide information about the employment status of minorities and women. The data are shared with the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, and several other Federal agencies. Pursuant to § 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-1 data are also shared with eighty-six State and local Fair Employment Practices Agencies (FEPAs).

3. The EEO-1 report is collected through a web based on-line filing system. There are 45,000 respondents reporting biennially and 80% of these respondents file on-line. The on-line filing system has reduced the burden hours.<sup>1</sup>
4. We are unable to identify duplicative or even related data collection efforts.
5. The EEO-1 Report survey is collected from private employers and there is a 100 member reporting threshold so there is no burden on small business.
6. The data is collected once a year.

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<sup>1</sup> The figures used here are relatively stable, having remained at these levels for several years. We note that the figures for 2007 and 2008 were somewhat higher than those reported here due to certain processing innovations. For example, in 2007, efforts were made to increase the number of reporting firms. This resulted in an increase in the number of reporting firms in 2007 to 67,835. Moreover, the percentage of electronic filers in the 2008 data collection efforts to date has increased to 97 percent. Because we will not be sure of the stability of these increases until the end of the requested extension period, we determined that they should not be used here.

7. None of the above special circumstances will be used to collect the EEO-1 Report.
8. See attached Federal Register Notice dated October 3, 2008. One comment was received from the public stating that the period of time for the extension should be longer. This request is limited to 2010 at OMB's request.
9. EEOC's employees are prohibited by law from providing any payment or gifts to respondents, other than remuneration of contractors or grantees.
10. All reports and information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII, and may not be made public by EEOC prior to the institution of any proceeding under Title VII. However, aggregate data may be made public in a manner so as not to reveal any particular jurisdiction's statistics. All State and local FEPAs which share the data must agree to maintain the confidentiality of the data.
11. The EEO-1 Report does not solicit any questions of a sensitive nature from respondents.
- 12.

ANNUAL RESPONDENT BURDEN HOURS	599,000
ANNUAL EMPLOYER BURDEN COSTS	\$11.4 million

Burden hours are assumed to be 3.4 hours per form at a cost of \$19.00 per hour.

13. There are no cost changes.
14. Estimated cost to the federal government will be: \$2.1 million contract cost. (Based on competitive bid process from prior years.)
15. There are no program changes or adjustments.
16. The time schedule for information collection and publication is as follows:

[Employers may use employment data figures from any pay period in July through September]

Filing deadline	September 30
First Follow-up Communication	October 1
Second Follow-up Communication	December 1
Preliminary Data Tape	July 31

17. EEOC is not seeking approval of this nature.
18. No exceptions are requested.